

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CAIDEN JAMES CHARLTON,  
  
Defendant.

NO. 2:23-cr-00112 RAJ

**AMENDED PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the parties' Stipulated Motion to Amend Preliminary Order of Forfeiture, seeking to forfeit, to the United States, Defendant Caiden Charlton's interest in the following currency (the "Subject Currency"):

a. \$4,374.75 in United States currency.

The Court, having reviewed the parties' Stipulated Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of an Amended Preliminary Order of Forfeiture regarding the Subject Currency is appropriate for the following reasons:

- The Subject Currency is forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), as property which constitutes or is derived from proceeds traceable to Defendant's commission of *Robbery*, in violation of 18 U.S.C. §§ 1951(a), (b)(1), and 2; and

- In the Plea Agreement he entered on July 17, 2024, Defendant agreed to forfeit his interest in the Subject Currency pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c). Dkt. No. 56 ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

- 1) Pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), and his Plea Agreement, Defendant's interest in the Subject Currency is fully and finally forfeited, in its entirety, to the United States;
- 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Amended Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
- 3) The United States Department of Justice, United States Marshals Service (USMS), and/or its authorized agents or representatives, shall maintain the Subject Currency in its custody and control until further order of this Court;
- 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the Subject Currency as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the Subject Currency, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the Subject Currency must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:
  - a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Currency;

- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the Subject Currency, and this Amended Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7) The Court will retain jurisdiction for the purpose of enforcing this Amended Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Amended Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 25th day of November, 2024.

Richard A. Jones

The Honorable Richard A. Jones  
United States District Judge